

ESTTA Tracking number: **ESTTA673198**

Filing date: **05/20/2015**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

## Petition for Cancellation

Notice is hereby given that the following party requests to cancel indicated registration.

### Petitioner Information

Name	JS ADL, LLC		
Entity	limited liability company	Citizenship	OHIO
Address	4300 East Fifth Avenue Columbus, OH 43219 UNITED STATES		

Attorney information	Theodore R. Remaklus Wood, Herron & Evans, L.L.P. 441 Vine Street 2700 Carew Tower Cincinnati, OH 45202 UNITED STATES tremaklus@whe-law.com Phone:5132412324
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### Registration Subject to Cancellation

Registration No	3840723	Registration date	08/31/2010
Registrant	Morell, Huascar 21 New York, NY 10031 UNITED STATES		

### Goods/Services Subject to Cancellation

Class 018. First Use: 2009/11/10 First Use In Commerce: 2009/11/11 All goods and services in the class are cancelled, namely: Umbrellas
Class 025. First Use: 2009/11/10 First Use In Commerce: 2009/11/11 All goods and services in the class are cancelled, namely: Jeans; Shirts; Sneakers; Socks; Sweaters; T-shirts; Underwear

### Grounds for Cancellation

Abandonment	Trademark Act section 14
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Attachments	Petition for cancellation.pdf(21988 bytes )
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## Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/theodore r remaklus/
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Name	Theodore R. Remaklus
Date	05/20/2015

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
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_____	)	
JS ADL, LLC,	)	Cancellation No. _____
	)	
Petitioner,	)	
	)	Registration No. 3,840,723, IC 18 and 25
v.	)	Registered: August 31, 2010
	)	
Huascar Morell,	)	
	)	
Respondent.	)	
_____	)	

**PETITION FOR CANCELLATION**

Petitioner, JS ADL, LLC, a limited liability company formed and organized under the laws of the State of Ohio, having a place of business at 4300 East Fifth Avenue, Columbus, Ohio 43219 ("Petitioner"), believes that it is and will continue to be damaged by the registration for the trademark **Artesano New York City** of Registration No. 3,840,723 in International Classes 18 and 25, and hereby petitions to cancel said registration.

**GROUND FOR PETITION**

As grounds for this petition, Petitioner alleges as follows:

1. Petitioner is the owner of intent-to-use United States Trademark Application Serial No. 86/249,415 (hereinafter "the '415 Application"), filed April 11, 2014 under Section 1(b) of the Trademark Act, 15 U.S.C. §1051(b), for the mark **ARTISAN**  **NY** for use in connection with "Belts; Gloves; Hats; Headwear; Jackets; Jeans; Lingerie; Men's suits, women's suits; Pants; Scarves; Shawls; Shirts; Sleepwear; Socks; Suits; Sweaters; Swimsuits; T-shirts; Underwear" in International Class 25.

2. On January 22, 2015, the Examining Attorney of the '415 Application issued an Office Action making final a refusal of the **ARTISAN**NY mark for the recited goods under Section 2(d) of the Trademark Act, 15 U.S.C. §1052(d), on the grounds that the Examining Attorney concluded there was a likelihood of confusion with the mark **Artesano New York City** of Registration No. 3,840,723, which is registered for "umbrellas" in International Class 18 and "Jeans; Shirts; Sneakers; Socks; Sweaters; T-shirts; Underwear" in Class 25 (as well as goods in International Class 28 not as issue here).

3. As a result of the Office Action in the '415 Application refusing to register Petitioner's **ARTISAN**NY mark for the recited goods under Section 2(d) of the Trademark Act, 15 U.S.C. §1052(d), on the grounds that the Examining Attorney concluded there was a likelihood of confusion with the **Artesano New York City** of Registration No. 3,840,723, Petitioner is being damaged by that registration within the meaning of 15 U.S.C. § 1064.

4. On information and belief, Respondent Huascar Morell is the owner of Registration No. 3,840,723, and is a United States citizen with an address of record of 523 West 152nd Street, #21, New York, New York 10031.

5. On information and belief, Respondent is not currently using the **Artesano New York City** mark of Registration No. 3,840,723 in connection with the recited goods in International Classes 18 and 25, he ceased using that mark some time ago in connection with those recited goods, and he has no intent to use/resume use of the mark with those goods.

6. As a result, Respondent has abandoned the **Artesano New York City** mark of Registration No. 3,840,723 in connection with the goods in International Classes 18 and 25 within the meaning of 15 U.S.C. § 1064(3).

WHEREFORE, Petitioner prays that the Petition for Cancellation be sustained in favor of Petitioner and that International Classes 18 and 25 of U.S. Registration No. 3,840,723 for the **Artesano New York City** mark be canceled.

The fee required under 37 C.F.R. § 2.6(a)(16) is being submitted herewith. The Commissioner is authorized to charge Deposit Account No. 23-3000 for any deficiencies in the filing fee and any and all other fees associated with filing the Petition for Cancellation.

Respectfully submitted,

American Signature, Inc.

Date: May 20, 2015

By: /s/ Theodore R. Remaklus  
Theodore R. Remaklus  
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Attorneys for Petitioner  
American Signature, Inc.

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing **Petition for Cancellation** has been served by first class mail, postage prepaid, this 20th day of May, 2015, on Respondent as follows:

Huascar Morell  
523 West 152nd Street, #21  
New York, New York 10031

/s/ Theodore R. Remaklus  
Theodore R. Remaklus

Attorney for Petitioner  
JS ADL, LLC